

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Blas Cerdá

Application No.: 10/539,180

Confirmation No.: 2257

Filed: March 30, 2006 (*erroneously listed by the Patent Office as March 20, 2006*)

Art Unit: 1657

For: **SIMULTANEOUS DETECTION OF METABOLIC ENZYME ACTIVITY AND METABOLITE LEVELS**

Examiner: P. C. Martin

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data which is:

(XX) incorrectly entered  
and/or  
( ) omitted

	<i>Error in</i>	<i>Correct data</i>
( )	Applicant's name	1.
( )	Applicant's address	2.
( )	Title	3.
(X)	§102(e) Filing date	4. March 30, 2006 (see attached evidence)
( )	Serial number	5.
( )	Attorney Docket No.	6.
( )	Domestic Priority Data	7.
( )	Power of Attorney	8.

3. (*Complete the following applicable item A or B*)

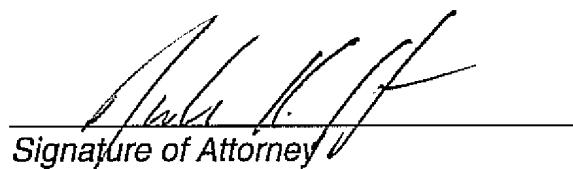
A. (X) The correction(s) is/are not due to any error by Applicant and no fee is due.

**OR**

B. ( ) At least one of the above corrections is due to Applicant's error.

Reg. No. 50,434

Tel. No.: (734) 913-9300



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*Signature of Attorney*

Julie K. Staple  
Gifford, Krass, Sprinkle, Anderson  
& Citkowski, P.C.  
P.O. Box 7021  
Troy, MI 48007-7021  
FAX (734) 913-6007

CC: MP



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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/539,180	03/20/2006	1661	2280	NEN-23002/16	1	39	6

## CONFIRMATION NO. 2257

37742  
 GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON  
 & CITKOWSKI, P.C.  
 P.O. BOX 7021  
 TROY, MI 48007-7021

## FILING RECEIPT



\*OC000000019961181\*

Date Mailed: 08/10/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Blas Cerda, Milford, MA;

Power of Attorney: The patent practitioners associated with Customer Number 37742.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/06371 02/28/2005

## Foreign Applications

If Required, Foreign Filing License Granted: 08/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/539,180**

Projected Publication Date: 11/16/2006

Non-Publication Request: No

Early Publication Request: No

R E C E I V E D  
 AUG 16 2006  
 GIFFORD, KRASS, GROH, SPRINKLE  
 & CITKOWSKI, P.C.

Title

Simultaneous detection of metabolic enzyme activity and metabolite levels

**Preliminary Class**

435

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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**PATENT**

The  received stamp of the U.S. Patent and Trademark Office imprinted hereon acknowledges the filing of:

Transmittal Letter **311**

New Patent Application

\_\_\_\_\_ Pages(s) Specification

\_\_\_\_\_ Page(s) Abstract

\_\_\_\_\_ Pages(s) Claims

\_\_\_\_\_ Sheets of Drawings

IDS, PTO 1449 & Patents

Amendment/Response

Declaration & Power of Attorney

Assignment & Recordation Cover Sheet

Check \$ **130.00**

Application Data Sheet

Other: **30 MAR 2006**

Inventor: **BLAS CERDA**

Serial/Pat. No.: **10/539,180** Docket No.: **NEN-23002/16**

Date: **3/30/2006**

Due Date:

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY & DOCKET NUMBER

NEN-23002/16

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/539,180

INTERNATIONAL APPLICATION NO.  
PCT/US05/006371

INTERNATIONAL FILING DATE  
28 February 2005

PRIORITY DATE CLAIMED  
30 August 2004

TITLE OF INVENTION

SIMULTANEOUS DETECTION OF METABOLIC ENZYME ACTIVITY AND METABOLITE LEVELS

APPLICANT(S) FOR DO/EO/US

Blas Cerdá

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A FIRST preliminary amendment.
16.  A SECOND or SUBSEQUENT preliminary amendment.
17.  A substitute specification.
18.  A power of attorney and/or change of address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22.  Express Mail Label No. EV 669545026 US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.6)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/539,180	PCT/US05/006371	NEN-23002/16

## 23. Other items or information:

The following fees have been submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee .....		\$300		\$ 50.00	
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .		\$0		\$ 50.00	
All other situations. ....		\$200			
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .		\$0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. ....		\$100		\$ 50.00	
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. ....		\$400			
All other situations. ....		\$500			
<b>TOTAL OF 24, 25 and 26 =</b>				\$ 50.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$ 50.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$ 50.00	
Independent claims	- 3 =	0	x \$200.00	\$ 200.00	
<b>MULTIPLE DEPENDENT CLAIMS (If applicable)</b>				\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 50.00	
<b>SUBTOTAL =</b>				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 130.00	
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

a.  A check in the amount of \$ \$130.00 to cover the above fees is enclosed.

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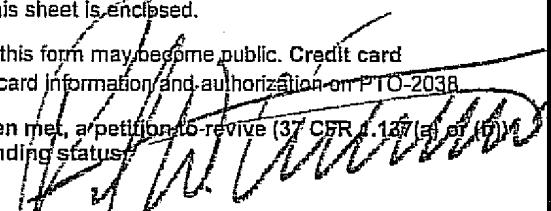
c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1180. A duplicate copy of this sheet is enclosed.

d.  Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald W. Citkowski  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
2701 Troy Center Drive, Suite 330  
P.O. Box 7021  
Troy, MI 48007-7021  
248-647-6000

  
SIGNATURE

Ronald W. Citkowski

NAME

31,005

REGISTRATION NUMBER

March 30, 2006

DATE

Docket No.  
NEN-23002/16

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### SIMULTANEOUS DETECTION OF METABOLIC ENZYME ACTIVITY AND METABOLITE LEVELS

the specification of which

(check one)

is attached hereto.

was filed on June 16, 2005 as United States Application No. or PCT International Application Number 10/539,180

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application(s)</u>		<u>Priority Claimed</u>
PCT/US05/006371 (Number)	WIPO (Country)	28 February 2005 (Day/Month/Year Filed) <input checked="" type="checkbox"/>
PCT/US04/028238 (Number)	WIPO (Country)	30 August 2004 (Day/Month/Year Filed) <input checked="" type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed) <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

10/652,732

August 29, 2003

Pending

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

All practitioners associated with Customer No. 37742

Send Correspondence to: Ronald W. Citkowski  
 Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, PC  
 PO Box 7021  
 Troy, MI 48007-7021

Direct Telephone Calls to: *(name and telephone number)*  
 Ronald W. Citkowski (248) 647-6000

Full name of sole or first inventor Blas Cerdá	Date 11/07/2005
Sole or first inventor's signature 	
Residence Milford, Massachusetts	
Citizenship Mexico	
Post Office Address 9 Eben St.	
Milford, Massachusetts 01757	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	